
SENATE BILL No. 326

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-1-3; IC 32-24-6-1.

Synopsis: Fee simple title. Provides that under the power of eminent domain, fee simple title may be taken for any purpose. (Current law allows taking fee simple title for any purpose other than a right-of-way.) Repeals a redundant provision concerning the objection procedures in an eminent domain action.

Effective: July 1, 2003.

Merritt

January 15, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 326

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-24-1-3, AS ADDED BY P.L.2-2002, SECTION
2 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2003]: Sec. 3. (a) Any person that may exercise the power of eminent
4 domain for any public use under any statute may exercise the power
5 only in the manner provided in this article, except as otherwise
6 provided by law.
7 (b) Before proceeding to condemn, the person:
8 (1) may enter upon any land to examine and survey the property
9 sought to be acquired; and
10 (2) must make an effort to purchase for the use intended the land,
11 right-of-way, easement, or other interest, in the property.
12 (c) If the land or interest in the land, or property or right is owned
13 by a person who is an incapacitated person (as defined in
14 IC 29-3-1-7.5) or less than eighteen (18) years of age, the person
15 seeking to acquire the property may purchase the property from the
16 guardian of the incapacitated person or person less than eighteen (18)
17 years of age. If the purchase is approved by the court appointing the



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1 guardian and the approval is written upon the face of the deed, the
2 conveyance of the property purchased and the deed made and approved
3 by the court are valid and binding upon the incapacitated person or
4 persons less than eighteen (18) years of age.

5 (d) The deed given, when executed instead of condemnation,
6 conveys only the interest stated in the deed.

7 (e) If property is taken by proceedings under this article, the entire
8 fee simple title may be taken and acquired if the property is taken for
9 any purpose. ~~other than a right-of-way.~~

10 SECTION 2. IC 32-24-6-1 IS REPEALED [EFFECTIVE JULY 1,
11 2003].

12 SECTION 3. [EFFECTIVE JULY 1, 2003] **IC 32-24-1-3, as**
13 **amended by this act, applies only to an eminent domain action that**
14 **commences after June 30, 2003.**

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